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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/635,667 | 08/07/2003 | Yuka Hayashi | 02530028AA | 8891 |
| 30743 | 7590 | 05/30/2006 | EXAMINER | |
| WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190 | | | LE, LANA N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2618 | |

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,667

Applicant(s)

HAYASHI, YUKA

Examiner

Lana N. Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1, 3, 6, line 2, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 11, line 3, the phrase "or like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Objections

2. Claim 8 is objected to because of the following informalities: in claim 8, line 2, "inputting to" should be "inputting thereto". Appropriate correction is required.
3. Claim 19 is objected to because of the following informalities: in claim 19, line 1, "to one of claim 3" should be "to claim 3". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,538,698) in view of Kim et al (US 2005/0,085,263).

Regarding claim 1, Anderson discloses a camera (fig. 2a) comprising an image analysis part (capture info. tags used for analysis part to analyze image data, col 5, lines 56-62; analysis part for producing automatic category tags; col 6, lines 1-16) for recognizing the image and converting the image to code data, a display part (402) for displaying the code data, a key input part (409) for additionally inputting, with respect to the output of the image analysis part, identification codes (tags, i.e. automatic category tags, user tags; figs. 6-7) related to items to be registered or data of each item (col 5, line 53 - col 6, line 63), a storing part (346, 354; col 4, lines 14-15) for storing data for each item, and a control part (CPU 344; col 4, lines 14-17) for extracting data of each item from the code data based on the identification codes and registering the extracted data (col 7, lines 13-48). Anderson does not disclose a portable telephone set comprising an image input part for inputting image thereto from a camera. Kim et al disclose a portable telephone set comprising an image input part for inputting image thereto from a camera (paras. 28, 88-89; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a portable telephone

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set having an image input part from a camera in order to be able to send image data captured from a camera via the telephone set.

Regarding claim 2, Anderson and Kim et al disclose the portable telephone set according to claim 1, wherein Anderson discloses the telephone set permits preliminary registering identification codes (user identification tags user labels and categorize of specific images; col 5, lines 62-67), and in which the control part (344) extracts data (image data) subsequent to each identification code from the code data (automatic category tags) and registers the extracted data in the storing part for each item (col 4, lines 14-17).

Regarding claim 3, Anderson discloses a camera (fig. 2a) comprising an image analysis part (capture info. tags used for analysis part to analyze image data, col 5, lines 56-62; analysis part for producing automatic category tags, col 6, lines 1-16) for recognizing the image and converting the image code data, a display part (402) for displaying the code data, a memory part (346, 354) for storing data of each item (col 4, lines 14-15), a key input part (409) for specifying code data displayed on the display part (402), and a control part (CPU 344; col 3, lines 24-30) for displaying an instruction (control software routines of figs. 4, 9) for specifying data to be registered for each item on the display part (register sorted image data and displayed; col 4, lines 12-17), extracting, in response to cursor specification (movements of left/right buttons 410a, 410b) of data to be registered by the key input part (409), the specified data part, and registering the extracted data part as data of each item in the storing part (col 7, lines 13-48). Anderson does not disclose a portable telephone set comprising an image input

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part for inputting image thereto from a camera. Kim et al disclose a portable telephone set comprising an image input part for inputting image thereto from a camera (paras. 28, 74, 88-89; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a portable telephone set having an image input part from a camera in order to be able to send image data captured from a camera via the telephone set.

Regarding claim 4, Anderson and Kim et al disclose the portable telephone set according to one of claim 1, wherein Kim et al disclose the image transferred from a different portable telephone set is inputted to the image input part (paras. 73-74; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the image transferred from another portable telephone set in order to receive image from another subscriber's mobile phone so that two portable phone users can send their pictures to one another.

Regarding claim 5, Anderson and Kim et al disclose the portable telephone set according to claim 1, wherein Kim et al disclose the data form of the image is JPEG (para. 25; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have JPEG images in order to have a better image characteristic and quality when compressed.

Regarding claim 6, Anderson disclose a device (fig. 2a) having display part (402) for displaying code data, a key input part (409) for additionally inputting to the same identification codes (tags, i.e. automatic category tags, user tags; figs. 6-7) related to items to be registered with respect to the code data or data of each item (col 5, line 53 –

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col 6, line 63), a storing part (346, 354; col 4, lines 14-15) for storing data of each item, and a control part (CPU 344; col 4, lines 14-17) for extracting the data of each item from the code data based on each identification code and registering the extracted data in the storing part. Anderson does not disclose a portable telephone set comprising a receiving input part for inputting to code data transferred from a different portable telephone set or the like. Kim et al disclose a portable telephone set comprising a receiving input part for inputting to code data transferred from a different portable telephone set or the like (paras. 28, 74, 88-89; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a receiving input part for inputting to code data transferred from a different portable telephone set or the like in order to receive image from another subscriber's mobile phone subscriber's mobile phone so that two portable phone users can send their digital pictures to one another.

Regarding claim 7, Anderson and Kim et al disclose the portable telephone set according to claim 6, wherein Anderson discloses the telephone set permits preliminary registering identification codes (user identification tags user labels and categorize of specific images; col 5, lines 62-67), and in which the control part (344) extracts data (image data) subsequent to registered identification codes from the code data (automatic category tags) and registers the extracted data for each item in the storing part (col 4, lines 14-17).

Regarding claim 8, Anderson discloses a camera (fig. 2a) comprising a display part (402) for displaying the code data, a storing part (346, 354) for storing data of each

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item (col 4, lines 14-15), a key input part (409) for specifying code data displayed on the display part (402), and a control part (CPU 344; col 3, lines 24-30) for displaying an instruction (control software routines of figs. 4, 9) for specifying data to be registered for each item on the display part (402) (register sorted image data and displayed; col 4, lines 12-17), extracting, in response to cursor specification (movements of left/right buttons 410a, 410b) of data to be registered by the key input part (409), the specification data part, and registering the extracted data part as the data of each item in the storing part (col 7, lines 13-48). Anderson does not disclose a portable telephone set comprising a receiving input part for inputting thereto code data transferred from a different portable telephone set. Kim et al disclose a portable telephone set comprising a receiving input part for inputting to code data transferred from a different portable telephone set or the like (paras. 74, 88-89; fig. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to input code data transferred from another portable phone set in order to enter text and image data received at the current portable terminal as suggested by Kim et al (para. 73).

Regarding claim 9, Anderson and Kim et al disclose the portable telephone set according to one of claim 6, wherein Kim et al disclose the data form of the transferred code data is a text or bar code form (email text and image data; para. 73). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send text data so the other portable user can send text email message to his/her friend.

Regarding claim 10, Anderson and Kim et al disclose the portable telephone set according to claim 1, wherein Kim et al disclose the control part (24) displays reserved data on the display part (48), and has a control function of transferring the displayed data on a different portable telephone set (transfer image to MVP 412) and a control function of receiving the data (reception of email and image data) transferred from a different portable telephone set (para. 73-75). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transfer the displayed data so that the other portable user can view what the first portable user want him/her to see.

Regarding claim 11, Anderson and Kim et al disclose the portable telephone set according to claim 10, wherein Kim et al disclose the transfer of data to the different portable telephone set is made by infrared communication, bluetooth or like wireless communication or wired communication via a connector (wireless communication; para. 73-74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transfer data wirelessly to allow the mobile user to talk with a remote portable telephone.

Regarding claim 12, Anderson and Kim et al disclose the portable telephone set according to claim 1, wherein Kim et al disclose the data of each item is data of a telephone set (data of mobile video phone 400, 412) or a scheduler (para. 74).

Regarding claim 13, Anderson and Kim et al disclose the portable telephone set according to claim 3, wherein Kim et al disclose the control part (24) displays reserved data on the display part (48), and has a control function of transferring the displayed data on a different portable telephone set (transfer image to MVP 412) and a control

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function of receiving the data (reception of email and image data) transferred from a different portable telephone set (para. 73-75). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transfer the displayed data so that the other portable user can view what the first portable user want him/her to see.

Regarding claim 14, Anderson and Kim et al disclose the portable telephone set according to claim 6, wherein Kim et al disclose the control part (24) displays reserved data on the display part (48), and has a control function of transferring the displayed data on a different portable telephone set (transfer image to MVP 412) and a control function of receiving the data (reception of email and image data) transferred from a different portable telephone set (para. 73-75). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transfer the displayed data so that the other portable user can view what the first portable user want him/her to see.

Regarding claim 15, Anderson and Kim et al disclose the portable telephone set according to claim 8, wherein Kim et al disclose the control part (24) displays reserved data on the display part (48), and has a control function of transferring the displayed data on a different portable telephone set (transfer image to MVP 412) and a control function of receiving the data (reception of email and image data) transferred from a different portable telephone set (para. 73-75). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transfer the displayed data so that the other portable user can view what the first portable user want him/her to see.

Regarding claim 16, Anderson and Kim et al disclose the portable telephone set according to claim 3, wherein Kim et al disclose the data of each item is data of a telephone set (data of mobile video phone 400, 412) or a scheduler (para. 74).

Regarding claim 17, Anderson and Kim et al disclose the portable telephone set according to claim 6, wherein Kim et al disclose the data of each item is data of a telephone set (data of mobile video phone 400, 412) or a scheduler (para. 74).

Regarding claim 18, Anderson and Kim et al disclose the portable telephone set according to claim 8, wherein Kim et al disclose the data of each item is data of a telephone set (data of mobile video phone 400, 412) or a scheduler (para. 74).

Regarding claim 19, Anderson and Kim et al disclose the portable telephone set according to claim 3, wherein Kim et al disclose image transferred from a different portable telephone set (via antenna of 4) is inputted to the image input part (24, 14) and 8 for display.

Regarding claim 20, Anderson and Kim et al disclose the portable telephone set according to claim 3, wherein Kim et al disclose the data form of the image is JPEG (para. 25; fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have JPEG images in order to have a better image characteristic and quality when compressed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana Le



5-15-06

**LANA LE
PRIMARY EXAMINER**